

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2084—FY 2000 Transportation Appropriations Act
H.J. Res. 33—Flag Desecration Constitutional Amendment



H.R. 2084—FY 2000 Transportation Appropriations Act

Floor Situation: The House will consider H.R. 2084 as its first order of business today. Appropriations bills are privileged and may be considered any time three days after they are filed. Yesterday, the Rules Committee granted an open rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives Budget Act prohibitions against considering legislation that contains new contract authority not previously subject to appropriation. It also waives House rules prohibiting unauthorized appropriations, legislative measures in an appropriations bill, and reappropriations, except for FAA operations funding and certain legislative measures regarding the Airport Improvement Program, the Federal-Aid Highways program, motor carrier safety grants, NHTSA operations and research, highway traffic safety grants, and various mass transit programs.

In addition, the rule makes in order one amendment—by Mr. Young (FL)—and accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The rule permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2084 appropriates \$13.4 billion in new budget authority for transportation programs in FY 2000, \$437.8 million more than last year and \$60.2 million less than the president's request. The measure provides approximately \$50.7 billion in total obligational authority (i.e., new budget authority, guaranteed obligations under TEA-21, limitations on obligations, and exempt obligations), \$3.5 billion more than the FY 1999 level and \$541 million more than the president's request. A major change brought about by the passage of the 1998 Transportation Equity Act for the 21st Century (TEA-21; *P.L. 105-178*)

was the creation of “firewalls” that guarantee appropriations for highway and transit programs at certain minimum levels. Guaranteed within the new “firewalls” is total highway spending of \$28.1 billion, \$2.2 billion more than FY 1999, and total transit spending of \$5.8 billion, \$824 million more than last year.

Specifically, the measure allocates (1) \$28.9 billion for the Federal Highway Administration—a \$1.6 billion increase; (2) \$10.5 billion for the Federal Aviation Administration (a \$985.4 million increase), including \$5.9 billion for operations and \$2.2 billion for facilities and equipment (a \$333.6 million increase and \$77.9 million increase, respectively); (3) \$5.8 billion for the Federal Transit Administration, \$407 million more than last year; (4) \$718.7 million for the Federal Railroad Administration, a \$59.1 million decrease from the FY 1999 level; and (5) \$4 billion for the U.S. Coast Guard, a \$152.6 million increase (this amount includes \$521 million to the Coast Guard to counter drug activities, a 40 percent increase over last year). Other major allocations include:

- * \$2.25 billion for the Airport Improvement Program, \$300 million more than last year and \$650 million more than the president’s request;
- * \$957.1 million to procure air traffic control facilities and equipment, an increase of 13.4 percent over the FY 1999 level;
- * \$70.5 million for motor carrier safety operations (\$9.3 million more than the president’s request) and \$105 million for motor carrier safety grants (\$5 million more than last year); and
- * \$571 million for Amtrak, \$38.3 million less than last year and equal to the president’s request. The bill also provides the agency with additional flexibility in allocating its funds on critical short- and long-term capital needs.

Finally, the measure (1) prohibits funding to issue a final rule on national identification cards, as required under section 656 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (*P.L. 104-208*); (2) prohibits funds in the bill from being used to carry out the functions and operations of the Office of Motor Carriers, unless the office is transferred from the Federal Highway Administration; and (3) prohibits funding to carry out regulations to increase slot allocations for any international air carriers at O’Hare airport in Chicago. CBO estimates that enactment of H.R. 2084 will result in outlays of \$18.2 billion in FY 2000, \$16.7 billion in FY 2001, \$7.5 billion in FY 2002, \$3.5 billion in FY 2003, and \$3.6 billion in FY 2004. The bill was submitted by Mr. Wolf and was reported by the Appropriations Committee by voice vote on June 8, 1999.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: The rule specifically makes in order the following amendment by Mr. Young (FL).

Mr. Young (FL) will offer an amendment to rescind \$300 million in excess FY 1999 contract authority for the Airport Improvement Program. **Staff Contact:** *Transportation Subcommittee, x5-2141*

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2084:

Mr. Andrews may offer an amendment (#1) to eliminate funding in the bill for the Amtrak Reform Council (the bill currently provides \$750,000 for the council). The council, established by the 1997 Amtrak Reform and Accountability Act, is charged with evaluating Amtrak's performance and recommending improvements to control costs and increase productivity. The sponsor of the amendment argues, however, that some of the council members are using their positions to promote a financially motivated agenda to dismantle the corporation. **Staff Contact: Edgar Ho, x5-6501**

Mr. Hefley may offer an amendment to reduce funding for Amtrak by \$114 million. The bill currently allocates \$571 million for Amtrak, \$38.3 million less than last year and equal to the president's request. The sponsor of the amendment contends that Amtrak is no closer to achieving self-sufficiency than it was when Congress provided Amtrak with \$2.3 billion in "tax refunds" in 1997 and that the time has come to phase out federal funding for services that could be better provided by states, individual compacts, and the private sector. **Staff Contact: Herman Stockinger, x5-4422**

Mr. Ney may offer an amendment (#2) to reduce the funding in the bill for the Amtrak Reform Council (ARC) by \$300,000 from its current level of \$750,000 (thus reducing funding back to its FY 1999 level). The sponsor of the amendment contends that the bill's funding increase is an opportunity for ARC to hire outside consultants and is contrary to an agreement last year to prohibit the use of ARC funding for such consultants. **Staff Contact: Jeff Janas, x5-6265**

Additional Information: See *Legislative Digest*, Vol. XXVII, #17, Pt. II, June 14, 1999.

PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.



H.J. Res. 33—Flag Desecration Constitutional Amendment

Floor Situation: The House is expected to consider H.J. Res. 33 after it completes consideration of H.R. 2084. Yesterday, the Rules Committee granted a structured rule that provides two hours of general debate, equally divided between the chairman and ranking member of the Judiciary Committee. The rule makes in order an amendment in the nature of a substitute if offered by Mr. Conyers or a designee, debatable for one hour, equally divided between a proponent or opponent. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.J. Res. 33 proposes an amendment to the Constitution which states that "Congress shall have the power to prohibit the physical desecration of the flag of the United States." It defines neither "desecration" nor "flag," and does not itself prohibit any action. Rather, it enables Congress to enact flag-protection legislation without fear of such laws being ruled unconstitutional. In the 105th Congress, the House approved an identical resolution (H.J. Res. 54; *H.Rept. 105-121*) by a vote of 310-114 on June 12, 1997; however, the Senate did not act on the measure.

Supporters of the resolution argue that the nation's flag is a sacred and inviolable symbol of our country's freedom, for which many have fought and died. They note also that roughly 80 percent of Americans have consistently supported the amendment and see no incompatibility between free speech and such an amendment. Opponents contend that the resolution will fetter American citizens' civil liberties and trivializes the process of amending the Constitution. Opponents also charge that reverence for this nation and its ideals cannot be imposed from without and should not be extracted by statute. The resolution was introduced by Mr. Cunningham and was reported by the Judiciary Committee by voice vote on May 26, 1999.

Views: The Republican leadership supports passage of the bill. The president is not required to sign amendments to the Constitution; however, the Clinton Administration opposes the amendment proposed by the resolution.

Amendments: As stated above, the rule makes in order a substitute amendment if offered by Mr. Conyers or a designee; however, at press time, the *Legislative Digest* was unaware of such an amendment.

Additional Information: See *Legislative Digest*, Vol. XXVIII, #18, June 18, 1999.



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